

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMES WHEATON,

Petitioner,

v.

JACK PALMER, et al.,

Respondents.

Case No. 3:12-cv-00313-MMD-VPC

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, filed by a Nevada state prisoner. On September 15, 2014, the Court granted petitioner's motion to reopen the case, as well as his motion for counsel, and appointed the Federal Public Defender to represent petitioner in this action (dkt. no. 46). On October 15, 2014, Ryan Norwood of the Federal Public Defender's Office appeared on behalf of petitioner (dkt. no. 49). The Court now sets a schedule for further proceedings in this action.

It is therefore ordered that counsel for petitioner shall meet with petitioner as soon as reasonably possible, if counsel has not already done so, to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be raised at this time in this action and that the failure to do so will likely result in any omitted grounds being barred from future review.

1 It is further ordered, so that respondents may be electronically served with the
2 amended petition and any exhibits or documents filed through counsel, that the Clerk of
3 Court shall serve respondents with a copy of this order by certified mail to the Office of
4 the Attorney General, Criminal Division, 100 North Carson St., Carson City, NV 89701-
5 4717. Respondents' counsel shall enter a notice of appearance herein within twenty
6 (20) days of entry of this order.

7 It is further ordered that petitioner shall have ninety (90) days from the date of
8 entry of this order, to file and serve on respondents an amended petition for writ of
9 habeas corpus, which shall include all known grounds for relief (both exhausted and
10 unexhausted).

11 It is further ordered that respondents shall have thirty (30) days after service of
12 an amended petition within which to answer, or otherwise respond to, the amended
13 petition. If petitioner does not file an amended petition, respondents shall have thirty
14 (30) days from the date on which the amended petition is due within which to answer, or
15 otherwise respond to, petitioner's original petition.

16 It is further ordered that if and when respondents file an answer, petitioner shall
17 have thirty (30) days after service of the answer to file and serve a reply.

18 It is further ordered that any state court record exhibits filed by the parties herein
19 shall be filed with an index of exhibits identifying the exhibits by number or letter. The
20 CM/ECF attachments that are filed shall further be identified by the number or numbers
21 (or letter or letters) of the exhibits in the attachment.

22 It is further ordered that petitioner's motion for appointment of counsel dated
23 September 17, 2014 (dkt. no. 48) is denied as moot.

24 DATED THIS 3rd day of November 2014.

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27 MIRANDA M. DU
28 UNITED STATES DISTRICT JUDGE